

The Gazette of India



PUBLISHED BY AUTHORITY

No. 7] NEW DELHI, SATURDAY, FEBRUARY 12, 1955

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 5th February 1955 :—

Issue No.	No. and date	Issued by	Subject
36	S. R. O. 282, dated the 22nd January 1955.	Ministry of Law.	The Central Government appoints certain dates on which the Wakf Act, 1954 shall come into force in certain States.
37	S. R. O. 283, dated the 31st January 1955.	Election Commission, India.	Final list of candidates for election to the House of the People from the Srivilliputhur Constituency.
	S. R. O. 284, dated the 31st January 1955.	Ditto	Final list of candidates for election to the House of the People from the Kanpur District (Central) Constituency.
38	S. R. O. 285, dated the 1st February 1955.	Delimitation Commission, India.	Corrections in the Delimitation Commission's Final Order No. 19, dated the 4th October 1954.
39	S. R. O. 286, dated the 2nd February 1955.	Ministry of Finance (Revenue Division).	Exemption from Customs Duty leviable on certain articles when imported into India or into the State of Pondicherry.
40	S. R. O. 287, dated the 3rd February 1955.	Delimitation Commission, India.	Final Order No. 22.

Issue No.	No. and date	Issued by	Subject
41	S. R. O. 329, dated the 4th February 1955.	Election Commission, India.	Final list of candidates for election to the House of the People from Gorakhpur District (North) Constituency.
	S. R. O. 330, dated the 4th February 1955.	Ditto	Final list of candidates for election to the House of the People from Lucknow District (Central) Constituency.
42	S. R. O. 331, dated the 3rd February 1955.	Ministry of Information and Broadcasting.	Certificate by the Central Government regarding the nature of certain films.
43	S. R. O. 332, dated the 5th February 1955.	Ministry of Commerce and Industry.	Amendment made in the Second Schedule to the Indian Tariff Act, 1934.
44	S. R. O. 333, dated the 5th February 1955.	Ministry of Finance (Revenue Division)	Exemption from duty of customs leviable on certain goods when exported from India or the State of Pondicherry.
45	S. R. O. 334, dated the 5th February 1955.	Ditto	Exemption from excise duty leviable on unmanufactured tobacco.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 5th February 1955

S.R.O. 339.—In pursuance of sub-rule (5) of rule 114 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the name of the person shown in column I of the Schedule below who having been nominated as a candidate for bye-election to the House of the People from the constituency specified in column 2 thereof, and having appointed himself to be his election agent at the said election, has, in accordance with the decision given by the Election Commission under sub-rule (4) of the said rule, failed to lodge the return of election expenses within the time and in the manner required and

has thereby incurred the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), is hereby published:—

SCHEDULE

Name of the Candidate	Name of constituency
1	2
Shri Fagu Murmu, Village Baishnabpore, P. O. Sildah, Union—Belpahari (17), P. S. Binpur, District Midnapore.	Midnapor Jhargram

[No. WB-P/55-BYE(1).]

By Order,

P. N. SHINGHAL, Secy.

MINISTRY OF LAW

New Delhi, the 2nd February 1955

S.R.O. 340.—The following Proclamation issued by the Governor of the Colony and Protectorate of Kenya is published below for general information:—

"PROCLAMATION NO. 4

(S.A.J. & L. 34/3)

THE MAINTENANCE ORDERS ENFORCEMENT ORDINANCE

(CAP. 16)

PROCLAMATION

E. BARING—By His Excellency the Honourable Sir Evelyn Baring, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

In exercise of the powers conferred by section 10 of the Maintenance Orders Enforcement Ordinance and of all other powers thereunto enabling, I hereby proclaim that the said Ordinance shall extend to the Republic of India excepting the State of Jammu and Kashmir.

Proclamation No. 87, dated the 1st day of October, 1938 (which appears at page 536 of Volume V of the Laws of Kenya) is revoked.

Given under my hand and the Public Seal of the Colony at Nairobi this 31st day of December, 1953.

GOD SAVE THE QUEEN".

[No. F.26(1)/54-L.]

R. S. GAE, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 4th February 1955

S.R.O. 341.—In exercise of the powers conferred by the proviso in column 3, against entry 3(a) of the table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government hereby directs that the exemption enjoyed by Desai Shri Ramprasad Karsanji

a Ruler of Vasavad, shall be valid only in respect of one revolver or pistol, one rifle, two breech loading guns and one muzzle loading gun.

[No. 20-Police.IV.]

S.R.O. 342.—In exercise of the powers conferred by entry 3(b) of the Table annexed to Schedule I of the Indian Arms Rules, 1951, the Central Government is pleased to specify

Tikayat Shri Pradip Chandra Singh Deo,
a member of the family of the Ruler of Kharsawan for the purpose of that entry.

[No. 21-Police.IV.]

S.R.O. 343.—In exercise of the powers conferred by Section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to exempt the three parties of touring judges of the Nepal Government proceeding to different districts in Nepal terai through Indian territory from all the prohibitions and directions contained in the said Act in respect of—

(a) *First party*

One Mark 3 rifle No. 24227 with 25 (twentyfive) rounds of ammunition;
one .38 bore pistol No. 11291 with 25 (twentyfive) rounds of ammunition;
(for Uttar Pradesh and West Bengal).

(b) *Second party*

One Mark 3 rifle No. 37761 with 25 (twentyfive) rounds of ammunition;
one .38 bore pistol No. 813836, with 25 (twentyfive) rounds of ammunition;
(for Uttar Pradesh and Bihar).

(c) *Third party*

One Mark 3 rifle No. 24227 with 25 (twentyfive) rounds of ammunition;
one .38 bore pistol No. 90312 with 25 (twentyfive) rounds of ammunition;
(for Uttar Pradesh and Bihar).

[No. 22-P.IV.]

C. P. S. MENON, Under Secy.

New Delhi, the 7th February 1955

S.R.O. 344.—In exercise of the powers conferred by the proviso to article 309 of the Constitution read with Articles 313 and 372 thereof and Paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the Rules published with the notification of the Government of India in the late Home Department No. F.9-19/30-Esta. dated the 27th February, 1952, namely:—

In the Schedule to the said Rules, under the heading "Department of Communications" and the sub-heading "Indian Posts and Telegraphs Department" and the category "(A) Services" for the entries relating to (1) Ministerial Staff in Clerical Grade (including Divisional Store Depots) and Stenographers and (ii) All Class IV Staff under item 4(b) office of the Controller of Telegraph Stores (including Stores Depots) the following shall be substituted namely:—

4 (b) *Office of the Controller of Telegraph Stores (including stores Depots)*

Ministerial Staff in clerical grades (including Divisional Stores Depots) and Stenographers.	Controller of Telegraph Stores.	(a) Officer of Telegraph Engineering and Wireless Service, Class II.	(i) Controller of Telegraphs. & (v).
		(b) Controller of Telegraph Stores.	All Chief Controller of Telegraph Stores.
All Class IV Staff.	Officer of Telegraph Engineering and Wireless Service Class II or Administrative Officer.	Officer of Telegraph Engineering and Wireless Service Class II or Administrative Officer.	All Controller of Telegraph Stores.
		Controller of Telegraph Stores (Jabalpur)	All Chief Controller of Telegraph Stores.

[No. 7/25/54-Ests.]

New Delhi, the 8th February 1955

S.R.O. 345.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendments shall be made in the rules published with the notification of the Government of India in the late Home Department No. F.9/19/30-Ests., dated the 27th February, 1932, namely:—

In the Schedule to the said rules, under the heading "Department of Labour" and sub-headings 'Office of the Chief Adviser Factories' and 'Inspectorate, Dock Safety, Bombay/Calcutta/Madras', under Class IV posts, in the last column for the words "Secretary, Ministry of Labour", the words "Deputy Secretary, Ministry of Labour" shall be substituted.

[No. 7/3/53-Ests.]

S. P. MAHNA, Under Secy.

ORDER

New Delhi, the 4th February 1955

S.R.O. 346.—In pursuance of Clause (22) of Article 366 of the Constitution of India the President is hereby pleased to recognise Thakor Shri Dilipsinhji Ajinhji as the Ruler of Punadra with effect from the 16th November 1954 in succession to the late Thakor Shri Ajitsinhji Shivsinhji.

[No. F.15/61/54-PB.]

V. VISWANATHAN, Joint Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 1st February 1955

S.R.O. 347.—In exercise of the powers conferred by clause (a) section 3 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948), the Central Government hereby authorises Shri S. C. Chatterji, Assistant Registrar, Embassy of India, Rome, to perform the duties of a Consular Agent with immediate effect and until further orders.

[No. 95-Cons/55.]

I. S. CHOPRA, Joint Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

ESTATE DUTY

New Delhi, the 4th February 1955

S.R.O. 348.—In exercise of the powers conferred by sub-section (3) of section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division), S.R.O. 2683, dated the 16th August, 1954, namely:—

In the Appendix to the said notification, under the head "II. ACCOUNTANTS", Serial numbers 148 and 161 and the entries relating thereto shall be omitted

[No. 2.]

R. K. DAS, Dy. Secy.

CUSTOMS

New Delhi, the 12th February 1955

S.R.O. 349.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby directs that a drawback shall be allowed in accordance with, and subject to,

the provisions of the said section and any rules made thereunder, in respect of duty-paid foreign cork used in the manufacture of crown corks when such crown corks are manufactured in, and exported from, India or shipped as stores on board a ship proceeding to a foreign port.

[No. 16.]

[F. No. 32/14/54-Cus.I.]

S.R.O. 350.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section, namely:—

RULES

1. Short title.—These rules may be called the Customs Duties Drawback (Crown Cork) Rules, 1954.

2. Definitions.—In these rules, unless the context otherwise requires.

- (a) 'the Act' means the Sea Customs Act, 1878 (VIII of 1878);
- (b) 'cork' means natural or composition cork imported into this country in the form of rod or disc, on payment of customs duty;
- (c) 'crown cork' means a closure of the type used in an aerated water bottle, and fitted with a cork disc;
- (d) 'cork disc' means a disc cut out of imported cork to size and shape suitable for being fitted into crown corks;
- (e) 'quarter' means a period of three months beginning with the first day of January, the first day of April, the first day of July, and the first day of October;
- (f) 'registered manufacturer' means a manufacturer of crown corks, registered under rule 5; and
- (g) 'section' means a section of the Act.

3. Goods in respect of which drawback may be allowed.—Subject to the provisions of the Act and these rules, a drawback shall be allowed in the case of crown corks (hereinafter referred to as the goods) manufactured in, and exported from, India or shipped as stores for use on board a ship proceeding to a foreign port, in respect of any duty-paid cork actually used in the manufacture of such goods.

4. Period for which drawback admissible.—A drawback under these rules shall be admissible for the period during which a notification under sub-section (1) of section 43B in respect of the goods is in force.

5. Registration of manufacturers.—(1) A drawback permissible under these rules shall apply only in respect of the goods manufactured by a person registered under, and for the purposes of, these rules by a Chief Customs Officer, authorised in this behalf by the Chief Customs Authority (hereinafter referred to as the authorised Chief Customs Officer).

(2) An application for registration shall be made by a manufacturer of the goods to the authorised Chief Customs Officer.

(3) Such application shall describe the varieties, brands, if any, and other specifications of the goods in respect of which registration is desired and shall, in respect of every such variety or brand, furnish—

- (a) the description and quantity (*viz.*, the average thickness and diameter, and the average weight per 100 gross discs) of different varieties of duty-paid cork used in the manufacture of one hundred gross crown corks;
- (b) the average amount of customs duty based on the average value of importations of such varieties of duty-paid cork during the preceding six months and the average duty paid thereon, on the quantities referred to in the foregoing sub-clause.

(4) The authorised Chief Customs Officer may, if he is satisfied that the provisions of these rules have been complied with, register the applicant as a registered manufacturer.

(5) Subsequent to such registration, the registered manufacturer shall not alter the composition of any brand or variety of the goods or the shape and size of the imported corks used in their manufacture, without the prior permission of the authorised Chief Customs Officer.

(6) Any registered manufacturer contravening the provision of the last preceding sub-rule shall render himself liable to have his registration cancelled, besides any other penalties to which he may be subject under the Act and these rules.

6. Rate of drawback.—(1) Where the Customs Collector is satisfied that a claim for a drawback is established under these rules, such drawback shall be paid at the rate indicated hereunder.

(2) The drawback of duty admissible under these rules on the shipment of the goods in the prescribed manner shall be seven-eighth of the average amount of Customs duty paid on cork used in the manufacture of the goods.

(3) Such drawback shall be determined at the beginning of every quarter by the Chief Customs Authority or the authorised Chief Customs Officer on the basis of statements furnished by the registered manufacturer and verified by a Customs Officer, of the value of importations and duty paid thereon during the preceding 6 months or any longer period as the Customs Collector may deem convenient, of cork used in the manufacture of the goods. The drawback shall be determined as so much per one hundred gross of each variety or brand of crown corks.

(4) The rate of drawback so determined shall be in force for the quarter for which it has been determined under sub-rule (2) and shall apply to all shipments made during that quarter from any port in India.

7. Manager of allowing drawback.—Drawback shall be allowed on the shipment of the goods from any port in India subject to the following conditions, namely,—

(a) the shipper of the goods shall make a declaration on the relative shipping bill,—

- (i) that a claim for the drawback under section 43B is being made, and
- (ii) that, to the best of his knowledge and belief, the composition of the goods and the size and shape of the cork discs used in the manufacture of the goods have not been altered subsequent to registration save in accordance with the provisions of rule 5 sub-clause (5);

(b) the shipper shall, in the shipping bill, furnish, in addition to information required under section 29, such additional information as may, in the opinion of the Customs Collector, be necessary for the purpose of verifying the claim for a drawback, and, in particular, the Customs Collector may require such additional information in respect of the following matters, namely:—

- (i) the description of the goods including particulars of any brand or trade mark attached to the goods;
- (ii) the name of the registered manufacturer, his registration number and the Chief Customs Authority or the authorised Chief Customs Officer by whom he has been registered;
- (iii) the variety of cork discs used, such as natural or composition, fine or superfine and
- (iv) the particulars of the shape and size of the cork discs.

8. Powers of Customs Collector.—For the purpose of enforcing these rules, the authorised Chief Customs Officer or the Customs Collector may—

- (a) require a registered manufacturer to produce any books of accounts or other documents of whatever nature relating to the imported cork used in the manufacture of the goods and the value and duty paid on such imported cork; and
- (b) require the production of such certificates, documents and other evidence, in respect of each claim of drawback as may be necessary.

9. Access to manufactory.—A registered manufacturer of the goods in respect of which a drawback is claimed under these rules shall be bound to give access to every part of his manufactory to any officer of the Central Government specially authorised in this behalf by the authorised Chief Customs Officer, to enable the officer so authorised to inspect the processes of manufacture, and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 17.]

[F. No. 32/14/54-Cus.I.]

JASJIT SINGH, Dy. Secy.

CENTRAL BOARD OF REVENUE

CUSTOMS

New Delhi, the 7th February 1955

S.R.O. 351.—In exercise of the powers conferred by sub-section (1) of section 3 of the Land Customs Act, 1924 (XIX of 1924), read with the notification of the Government of India in the late Finance Department (Central Revenues) No. 5944, dated the 13th December, 1924, the Central Board of Revenue hereby appoints for the areas adjoining the foreign frontier separating West Pakistan from India, the officers of the Government of Punjab specified in the Schedule hereto annexed, to be Land Customs Officers within the jurisdiction of the Collector of Land Customs, Delhi.

THE SCHEDULE

- (1) All Police Officers of the Punjab Armed Police of and above the rank of Inspector;
- (2) All Police Officers of the Punjab Armed Police of and above the rank of Head Constable posted to the border districts of Gurdaspur, Amritsar and Ferozepore; and
- (3) All Police Officers of and above the rank of Head Constable posted in the District Police Force of the border districts of Gurdaspur, Amritsar and Ferozepore.

[No. 23.]

W. SALDANHA, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 12th February 1955

S.R.O. 352.—In exercise of the powers conferred by section 5 of the Dhoties (Additional Excise Duty) Act, 1953 (39 of 1953), the Central Government hereby makes the following rules, namely:—

1. **Short title.**—These rules may be called the Dhoties Fixation of Collective Quota Rules, 1955.

2. **Definitions.**—In these rules, unless the context otherwise requires,

- (a) 'the Act' means the Dhoties (Additional Excise Duty) Act, 1953, (39 of 1953);
- (b) 'collective quota' means the total of the undivided quota fixed under section 3, for all mills included in a particular group;
- (c) 'section' means a Section of the Act; and
- (d) 'Textile Commissioner' has the same meaning as in the Cotton Textiles (Control) Order, 1948.

3. **Mills in respect of which a collective quota may be fixed.**—Subject to the provisions of the Act, the Textile Commissioner may fix a collective quota in respect of mills,—

- (i) which are under a common ownership or management; or
- (ii) which may be placed by the Textile Commissioner, by order in writing, within a single group.

4. **Applications for collective quotas.**—Mills desirous of having a collective quota fixed for them shall apply to the Director (Production & Development), office of the Textile Commissioner, Bombay, in the Form annexed to these rules. Such applications shall be received in the office of the Textile Commissioner not less than 30 days before the commencement of the quarter for which the collective quota has been applied for.

5. **Procedure for fixation of collective quota.**—When the Textile Commissioner has fixed a collective quota for a group of mills, he shall by order in writing, intimate to the mills concerned and to the central excise officers in charge of the said mills, the collective quota fixed for the group, the period for which the collective quota shall be valid, the mill or mills from which *dhoties* shall be allowed to be cleared under the collective quota, and the respective share of the collective quota allocated to each such mill.

6. **Alteration in collective quota once fixed.**—No alteration shall be permitted in the collective quota fixed for a group of mills or in its allocation as between the units in a group during the currency of the quarter to which the collective quota pertains.

7 Mills to furnish such information etc. as may be required—Mills applying for a collective quota shall produce or cause to be produced such documents or furnish such information as the Textile Commissioner may from time to time require in support of applications.

8 Power to issue supplementary instructions.—The Textile Commissioner may, from time to time, issue written instructions providing for any matters incidental or ancillary to or arising out of these rules

FORM OF APPLICATION

(See rule 4)

Important—This Form should be completed and sent to the office of the Textile Commissioner, CST Section, Ballard Estate, Bombay No 1. Mills are advised in their interests to post the return under a certificate of posting or by registered post with an acknowledgement due

1. Names of the mills which desire to form a group for the purpose of collective quota.
- 2 Address of each mill in the group
3. Tex Mark No. of each mill in the group.
4. State/States in which the mills are situated.
5. Name and address of the Managing Agents.
- 6 Permissible quota for each mill in accordance with the provisions of the Dhoties (Additional Excise Duty) Act, 1953.
- 7 Reasons why a collective quota for the group of mills is desired
8. The name or names of the mills from which clearance of dhoties is desired and the proportion in which the collective quota is to be allocated.
- 9 The period for which collective quota is required

I hereby declare that the particulars given above, in so far as I can ascertain, are accurate and complete.

Date

Place

Signature of the
Managing Agents.

NOTE—Collective quota will be allowed only for a full quarter or quarters and not for any portions thereof.

[No 9(21)-CT(A)/54 1]

A K CHAKRAVERTY, Under Secy

ORDERS

New Delhi, the 1st February 1955

S.R.O. 353.—IDRA/6/1.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby establishes for the group of scheduled industries engaged in the manufacture and production of telephones, telegraph apparatus and wireless communication apparatus, electric lamps, electric fans, batteries dry cells and storage, radio receivers and house service meters and panel instruments, a Development Council which shall consist of the following members, namely:—

- | | | |
|--|---|--|
| <ol style="list-style-type: none"> 1 Shri T R Gupta Messrs Jay Engineering Works, 183-A, Prince Anwar Shah Road, Calcutta-31. 2. Shri R D. Char, Messrs Standard Batteries Ltd, 43, Forbes Street, Fort, Bombay 3. Prof. S. K. Roy, Messrs Bengal Electric Lamps Works, 7, Old Court House Street (2nd Floor), Calcutta 4. Mr. J. E. Reid, Messrs General Electric Co of India (Mfg) Ltd, 55, Taratala Road, Garden Reach, Calcutta-24 5 Shri R. K. Phatak, C/o All India Radio Merchants' Association, Fateh Manzil, Opera House, Bombay-4. 6. Shri Y. A. Fazalbhoy, General Radio and Appliances Ltd, 16, New Queens' Road, Bombay-4 | } | <p>being persons who in the opinion of the Central Government are capable of representing the interest of owners of industrial undertakings in the group of the said scheduled industries.</p> |
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|---|---|
| 7. Scientific Adviser, Ministry of Defence, New Delhi | } being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the group of the said scheduled industries. |
| 8. Shri B. V. Bahga, Officer on Special Duty, Bharat Electronic, Kashmir House, New Delhi. | |
| 9. Shri Indravadan M. Oza, 33, Lajpatrao Road, Vile-Parle, Bombay-24 | } being persons who in the opinion of the Central Government are capable of representing the interest of persons employed in the industrial undertakings in the group of the said scheduled industries. |
| 10. Shri R. J. Mohta, Secretary-Treasurer, Engineering Mazdur Sabha Kamgar Sadan, Nawab Tank Road, Mazagaon, Bombay-10. | |
| 11. Shri M. Hayath, Member, Hydro-Electric, Central Water and Power Commission, Bikaner House, New Delhi. | } being persons who in the opinion of the Central Government are capable of representing the interests of consumers of goods manufactured and produced by the group of the said scheduled industries. |
| 12. Lt. Col. B. M. Chakravarty, Superintendent, Technical Division Establishment, Dehra Dun. | |
| (With Shri J. C. Maitra, Assistant Superintendent of Development, TDE (I. & E.), Dehra Dun, as alternate member. | |
| 13. Shri S. T. Thadani, Director of Supplies, Shahjahan Road, New Delhi. | |

2. Shri T. R. Gupta shall be the Chairman of the said Development Council.

3. The Central Government hereby assigns the following functions to the said Development Council, namely:—

- (1) Recommending targets of production, co-ordinating production programmes and reviewing progress from time to time.
- (2) Suggesting norms of efficiency with a view to eliminating waste, obtaining maximum production, improving quality and reducing costs.
- (3) Recommending measures for securing the fuller utilisation of the installed capacity and for improving the working of the group of the said scheduled industry, particularly of the less efficient units.
- (4) Promoting arrangements for better marketing and helping in the devising of a system of distribution and sale of the produce of the group of the said scheduled industries which would be satisfactory to the consumer.
- (5) Promoting standardisation of products.
- (6) Promoting or undertaking the collection and formulation of statistics.
- (7) Promoting the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provision and improvement of amenities and incentives for workers.

[No. 5(14)IA(G)/54.]

7. B. SAKSENA, Dy. Secy.

S.R.O. 354/IDRA/6/2.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby establishes for the scheduled industries engaged in the manufacture and production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments), a Development Council which shall consist of the following members, namely:—

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|--|---|--|
| <ol style="list-style-type: none"> 1. Shri N. W. Gurjar, Messrs Kulaskat Electric Co., Ltd., 460/2, 18th Cross Malleswaram, Bangalore-3. 2. Shri T. S. Sitapati, Messrs National Insulated Cable Co. of India Ltd., 4, Dalhousie Square East, Calcutta. 3. Mr. C. M. Humfrey, Director, Messrs Associated Electrical Industriesa Mfg. Co., Ltd., Calcutta. 4. Mr. A. Rutishauser, Head of Electrical Deptt., Voltas Ltd., 19, Graham Road, Ballard Estate, P.O. Bag 10008, Bombay-1. 5. Mr. T. G. May, Managing Director, General Electric Co. of India Ltd., "Magnate House", Chittaranjan Avenue, Calcutta. | } | <p>being persons who in the opinion of the Central Government are capable of representing the interest of owners of industrial undertakings in the said scheduled industries.</p> |
| <ol style="list-style-type: none"> 6. Shri N. N. Iengar, Technical Director, Tata Hydro-Electric, Bombay | } | <p>being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries.</p> |
| <ol style="list-style-type: none"> 7. Prof. M. S. Thacker, Director, Indian Institute of Science, Bangalore | } | <p>being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries.</p> |
| <ol style="list-style-type: none"> 8. Shri K. M. Chinnappa, Deputy Chief Electrical Engineer, Damodar Valley Corporation, Anderson House, Alipore, Calcutta-27. | } | <p>being persons who in the opinion of the Central Government have special knowledge of matters relating to the technical or other aspects of the said scheduled industries.</p> |
| <ol style="list-style-type: none"> 9. Shri M. S. Bulsawar, Messrs Coorla Spg. and Wvg. Mills Co., Ltd., Kurla, Bombay. | } | <p>being a person who in the opinion of the Central Government is capable of representing the interests of persons employed in industrial undertakings in the said scheduled industries.</p> |
| <ol style="list-style-type: none"> 10. Shri M. Hayath, Member, Hydro-Electric, Central Water and Power Commission, Bikaner House, New Delhi. 11. Shri P. C. Mookerjee, Member (Engineering), Railway Board, New Delhi. 12. Shri D. V. Kohli, S.O.I., E-in-C.'s Branch, Kashmere House, New Delhi. | } | <p>being persons who in the opinion of the Central Government are capable of representing the interests of consumers of goods manufactured and produced by the</p> |
| <ol style="list-style-type: none"> 13. Shri S. T. Thadani, Director of Supplies, Directorate General of— | } | <p>said Scheduled industries.</p> |

2. One more person who in the opinion of the Central Government is capable of representing the interests of persons employed in industrial undertakings in the said scheduled industries shall be appointed by the Central Government to be a member of the said Development Council.

3. Shri N. N. Iengar shall be the Chairman of the said Development Council.

4. The Central Government hereby assigns the following functions to the said Development Council, namely:—

- (1) Recommending targets of production, co-ordinating production programmes and reviewing progress from time to time.
- (2) Suggesting norms of efficiency with a view to eliminating waste, obtaining maximum production, improving quality and reducing costs.
- (3) Recommending measures for securing the fuller utilisation of the installed capacity and for improving the working of the said scheduled industries, particularly of the less efficient units
- (4) Promoting arrangements for better marketing and helping in the devising of a system of distribution and sale of the produce of the said scheduled industries which would be satisfactory to the consumer.
- (5) Promoting standardisation of products.
- (6) Promoting or undertaking the collection and formulation of statistics.
- (7) Promoting the adoption of measures for increasing the productivity of labour, including measures for securing safer and better working conditions and the provision and improvement of amenities and incentives for workers.

[No. 5(14)IA(G)/54.]

B. B. SAKSENA, Dy. Secy.

DEPARTMENT OF ATOMIC ENERGY

Bombay, the 1st February 1955

S.R.O. 355.—In exercise of the powers conferred by section 10 of the Atomic Energy Act, 1948 (XXIX of 1948), the Central Government hereby directs that the following amendments shall be made in the Atomic Energy (Control of Production and Use) Order, 1954, namely:—

In the said Order—

- (1) clause 4 shall be re-numbered as sub-clause (1) of clause 4 and after sub-clause (1) as so renumbered, the following sub-clause shall be inserted, namely:—
“(2) A licence issued under sub-clause (1) shall be effective throughout the territories of India to which the Act extends.”;
- (2) clause 5 shall be re-numbered as sub-clause (1) of clause 5 and after sub-clause (1) as so renumbered, the following sub-clause shall be inserted, namely:—
“(2) a license issued under sub-section (1) shall be effective throughout the territories of India to which the Act extends”.

[No. RMD/1(4)/53-1376.]

N. K. DRAVID, Joint Secy.

MINISTRY OF FOOD AND AGRICULTURE (Agriculture)

New Delhi, the 2nd February 1955

S.R.O. 356.—Under Section 4(VII) of the Indian Cotton Cess Act, 1923 (XIV of 1923) the Central Government are pleased to renominate Shri R. G. Saraiya as a representative of Cooperative Banking on the Indian Central Cotton Committee, with effect from the 1st April, 1955.

[No. F.1-12/54-Com.II.]

R. L. MEHTA, Dy. Secy.

(Agriculture)*New Delhi, the 2nd February 1955*

S.R.O. 357.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Indian Oilseeds Committee Act, 1946 (IX of 1946) the Central Government is pleased to appoint Shri R. S. Krishnaswamy, I.C.S., Vice-President, Indian Council of Agricultural Research and *ex-officio* Additional Secretary to the Government of India, Ministry of Food & Agriculture, to be the President of the Indian Central Oilseeds Committee with effect from the 15th January, 1955, vice Shri K. R. Damle, I.C.S., who has proceeded on deputation abroad.

[No. F.5-5/55-Com-I.]

New Delhi, the 4th February 1955

S.R.O. 358.—In pursuance of the provisions of Sub-Section (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), the State Government of Madhya Pradesh have re-nominated Shri S. N. Mushran, M.L.A., Narasimhpur, District Hoshangabad, as a member of the Indian Central Oilseeds Committee, with effect from the 1st April, 1955.

[No. F.6-1/55-Com-I.]

New Delhi, the 5th February 1955

S.R.O. 359.—The following draft of a further amendment to the Indian Oilseeds Committee Rules, 1947, which it is proposed to make in exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (IX of 1946), is published as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 10th March, 1955.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

For sub-rule (2) of rule 20 of the said Rules, the following sub-rule shall be substituted, namely:—

“(2) A member of the Committee who is not in the service of the Government shall be entitled to draw in respect of any journey performed by him for the purpose of attending a meeting of the Committee or of a duly constituted Sub-committee thereof, such travelling and halting allowances as would be admissible in respect of such journeys to Government servants of the first grade serving under the Central Government.”

[No. F.5-74/54-Com-I.]

F. C. GERA, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 4th February 1955*

S.R.O. 360.—In exercise of the powers conferred by sub-sections (1) and (2) of section 7 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India, in the Ministry of Health No. F. 1-3/47-D(II), dated the 13th September, 1948, constituting the Drugs Consultative Committee, namely:—

In the said notification, under the heading ‘Nominated by State Governments’ for entry 10, the following entry shall be substituted, namely:—

“(10) Major K. N. Rao, M.D., D.G.O., F.C.C.P., F.J.C.S., Primary F.R.C.S. (Eng.), Director of Medical Services, Andhra State”

[No. F. 4-2/55-D.]

KRISHNA BIHARI, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING*New Delhi, the 8th February 1955*

S.R.O. 361.—In exercise of the powers conferred by Section 17 of the Cinematograph Act 1952 (~~XXXVII~~ of 1952) the Central Government hereby exempts cinematograph exhibition of films in the premises of educational institutions in all part 'C' States from the operation of section 10 of the aforesaid Act subject to the following conditions:—

1. Only films of a predominantly educational nature, certified as such by the Central Board of Film Censors or one of the former State Boards or films approved as scientific films, films intended for educational purposes, films dealing with news and current events, or documentary films approved by the Film Advisory Board shall be so exhibited or permitted to be exhibited.
2. No film which has been certified by the Central Board of Film Censors or a former State Board of Film Censors as suitable for public exhibition restricted to adults only shall be exhibited or permitted to be exhibited to a person who is not an adult.
3. No film which has been declared as uncertified or whose exhibition has been suspended under the Cinematograph Act 1952 (~~XXXVII~~ of 1952) shall be exhibited or permitted to be exhibited.
4. No admission fee, except to the extent required to cover expenses, shall be charged.
5. No person other than students and staff of the Institution, Members of the Managing Committees of the Institutions and any guest specially invited by the authorities or the Institutions and those enumerated under condition (11) below shall be admitted to the show.
6. Only 16 mm. non-inflammable or 35mm. non-inflammable films and film strips shall be exhibited or permitted to be exhibited.
7. No advertisement films shall be exhibited or permitted to be exhibited.
8. The licensing authority shall be informed at least 48 hours in advance of the time and place of such exhibition.
9. All Institutions which avail themselves of this exemption shall maintain a register of the films exhibited and comply with any other directions that may be issued in this behalf by the State Government. The register shall be open to inspection by duly authorised officers of the State Government.
10. This exemption shall be valid for a period of one year with effect from the date of issue of this notification, unless revoked earlier.
11. Employees of the State Government, members of the Central Board of Film Censors and its Advisory Panels and Regional and Assistant Regional Officers of the Board engaged in the discharge of their official duties shall be admitted to the place where the exhibitions are held and to the film shows

[No. 6/6/45 FC.]

D. KRISHNA AYYAR, Under Secy.

(Central Board of Film Censors)

ORDER*Bombay, the 1st February 1955*

S.R.O. 362.—In exercise of the powers conferred by the first proviso to sub-rule (2) of rule 22 of the Cinematograph (Censorship) Rules, 1951, the Chairman, Central Board of Film Censors, hereby directs that the applications for certification of "Bengal films" and "Madras films", excepting shots not exceeding 2,000 feet in 35 mm. and 800 feet in 16 mm. other than newsreels and trailers, imported into India from abroad shall be made and delivered to the Regional Officer, Central Board of Film Censors, Bombay, with effect from the 15th February, 1955.

[No. 63/SEC/54.]

B. D. MIRCHANDANI,
Chairman.

MINISTRY OF TRANSPORT**(Transport Wing)****MERCHANT SHIPPING***New Delhi, the 4th February 1955*

S.R.O. 363.—The following draft of certain further amendments to the Indian Merchant Shipping (Load Line) Rules, 1934, which it is proposed to make in exercise of the powers conferred by section 219 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), is published as required by the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 2nd March 1955

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendments

In the said Rules—

- (1) In clause (a) of sub-rule (2) of rule 3, after the words "and that", the words "having regard to the period for which the load line certificate is to be issued or renewed" shall be inserted;
- (2) in rule 15, the last sentence "Where end coamings are protected, the Assigning Authority may modify these requirements" shall be omitted;
- (3) in rule 16—
 - (i) after the first sentence, the following sentence shall be inserted, namely:—

"The ends of the wood covers shall be protected by galvanised steel bands efficiently secured.";
 - (ii) the following Note shall be added at the end, namely:—

"NOTE.—The provision made in the second sentence shall not apply to wood covers in use prior to the 4th February, 1955, but when in the opinion of the Assigning Authority the renewal of any such cover becomes necessary, the provision shall be given effect to.";
- (4) to rule 19, the following sentence shall be, added, namely:—

"Cleats shall be of a pattern approved by the Assigning Authority and shall be set to fit the taper of the wedges; but this provision shall not apply to any ship the keel of which was laid before the 4th February, 1955.";
- (5) in rule 20, sub-rule (b) shall be relettered as sub-rule (c), and after sub-rule (a), the following sub-rule shall be inserted, namely:—

"(b) Wedges shall be made from tough wood cut to a taper of 1 in 6 and shall be not less than $\frac{1}{2}$ inch thick at the toe; but this provision shall not apply to any ship the keel of which was laid before the 4th February, 1955.";
- (6) for rule 21, the following rule and Note shall be substituted, namely:—

"Security of hatchway covers

21. Where the coamings are required to be 24 inches high, steel bars or other equivalent means shall be provided for efficiently and independently securing each section of hatchway covers after the tarpaulins are battened down.

At all other hatchways in exposed positions on free-board and superstructure decks, ring bolts or other fittings for lashings shall be provided.

Where the hatchway covers extend over intermediate supports, steel bars or their equivalent shall be fitted at each end of each section of the covers.

NOTE.—The provisions of this rule shall apply to any ship (i) the keel of which is laid on or after the 4th February, 1955, and (ii) the keel of which was laid before the said date, if in the opinion of the Assigning Authority compliance with such provisions is reasonable and practicable";

(7) in rule 31—

(i) in sub-rule (a), the last sentence "Cast iron shall not be accepted for such valves where attached to the sides of the ship." shall be omitted;

(ii) to sub-rule (c), the following sub-rule shall be added, namely:—

"(d) Cast iron shall not be accepted for valves and discharges led through the ship's sides below the freeboard deck or through the sides of enclosed superstructures:

Provided that the foregoing provision shall not apply to any ship the keel of which was laid before the 4th February, 1955."

[No. 42-MA(3)/54.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF COMMUNICATIONS

(Posts and Telegraphs)

New Delhi, the 4th February 1955

S.R.O. 364.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885) the Central Government hereby directs that with effect from the 16th March, 1955, the following further amendment shall be made in the Indian Telegraph Rules, 1951, namely:—

In the first column of the Table annexed to sub-rule (i) of rule 430 of the said rules, under the heading "Exchanges", the words "Jharia", "Loyabad" and "Sinidih" shall be omitted.

[No. PHA-48-11/52.]

S.R.O. 365.—In exercise of the powers conferred by sub-rule (5) of rule 430 of the Indian Telegraph Rules, 1951, the Central Government hereby specifies the 16th day of March, 1955, as the date from which the message rate system shall be introduced in the Dhanbad, Jharia, Katrasgarh, Loyabad and Sinidih exchanges.

[No. PHA-48-11/52.]

V. M. BHIDE, Dy. Secy.

New Delhi, the 5th February 1955

S.R.O. 366.—Whereas on January 21, 1955, an accident occurred five miles south of Gauhati aerodrome to a Dakota aircraft VT-COZ of the Indian Airlines Corporation, engaged, in a scheduled flight from Calcutta to Gauhati on a freighter service, resulting in the death of all the three members of the crew on board,

And whereas it appears to the Central Government that it is expedient to hold a formal investigation of the said accident.

2. Now, therefore, in exercise of the powers conferred by rule 75 of the Indian Aircraft Rules, 1937, the Central Government directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri N. S. Lokur, Chairman, Railway Rates Tribunal and Air Transport Licensing Board, to hold the said investigation.

The Central Government is also pleased to appoint:

- (1) Shri K. L. Puri, Director of Aeronautical Inspection, Civil Aviation Department; and
- (2) Capt. K. Vishwanath, Divisional Operations Manager, Air India International

to act as Assessors to the said investigation.

[No. 17-A/3-55.]

S.R.O. 367.—Whereas on February 2, 1955, an accident occurred near Nagpur to a Dakota aircraft, VT-CVB, of the Indian Airlines Corporation, engaged in a scheduled flight from Nagpur to Delhi on the north-bound night air service, resulting in the death of all the passengers and the four members of the crew on board,

And whereas it appears to the Central Government that it is expedient to hold a formal investigation of the said accident.

2. Now, therefore, in exercise of the powers conferred by rule 75 of the Indian Aircraft Rules, 1937, the Central Government directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri N. S. Lokur, Chairman, Railway Rates Tribunal and the Air Transport Licensing Board, to hold the said investigation.

The Central Government is also pleased to appoint:

- (1) Shri K. L. Puri, Director of aeronautical Inspection, Civil Aviation Department; and
- (2) Capt. K. Vishwanatha, Divisional Operations Manager, Air India International

to act as Assessors to the said investigation.

[No. 17-A/4-55.]

B. N. JHA, Secy.

MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

New Delhi, the 1st February 1955

S.R.O. 368.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendment shall be made in the Mineral Concession Rules, 1949, namely:—

In sub-clause (b) of the proviso to clause (iii) of rule 46 of the said Rules, for the words "exceeding such limits", the words "not exceeding twice such limits" shall be substituted.

[No. MII-159(5)/54.]

T. GONSALVES, Dy. Secy.

New Delhi, the 4th February 1955

S.R.O. 369.—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following amendments shall be made in the Mineral Concession Rules, 1949, namely:—

In the said Rules—

1. In rule 13—

- (a) in the first sentence of sub-rule (1), the words "and if he is an individual other than a citizen of India, unless the prior approval of the Central Government has been obtained" shall be omitted;

- (b) after sub-rule (1), the following sub-rule shall be inserted, namely:—

"(1-A) (a) Where such person is a company, it shall be incorporated under the Indian Companies Act, 1913 (VII of 1913); and where such person is a partnership firm, it shall be registered under the Indian Partnership Act, 1932 (IX of 1932).

- (b) Where such person is an individual and is not a citizen of India or where such person is a partnership firm which consists of one or more partners who are not citizens of India, the State Government shall not grant any prospecting licence to such person without the previous approval of the Central Government."

2. In rule 26—

- (a) in the first sentence of sub-rule (1), the words “and if he is an individual other than a citizen of India, unless the prior approval of the Central Government has also been obtained” shall be omitted;
- (b) after sub-rule (1), the following sub-rule shall be inserted, namely:—
- “(1-A) (a) Where such person is a company, it shall be incorporated under the Indian Companies Act, 1913 (VII of 1913); and where such person is a partnership firm, it shall be registered under the Indian Partnership Act, 1932 (IX of 1932).
- (b) Where such person is an individual and is not a citizen of India or where such person is a partnership firm which consists of one or more partners who are not citizens of India, the State Government shall not grant any mining lease to such person without the previous approval of the Central Government.”

[No. M.II-152(33)/54.]

S.R.O. 370.—In exercise of the powers conferred by section 8 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that subject to its control the powers exercisable by a State Government under the Mineral Concession Rules, 1949, shall be exercised in the State of Manipur by the Chief Commissioner of that State.

[No. M.II.152(101)/5

M. MALHOTRA, Under Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY*New Delhi, the 2nd February 1955*

S.R.O. 371.—The following draft of further amendments in the Petroleum Rules, 1937, which it is proposed to make in exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), is published, as required by sub-section (2) of section 29, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 28th February, 1955.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In sub-rule (1) of rule 7 of the said Rules,

- (a) the port of ‘Chittagong’ shall be omitted;
- (b) for the port of ‘Karachi’, the port of ‘Kandla’ shall be substituted.

[No. S&PII-104(1)/55.]

U. N. SRIVASTAVA, Under Secy.

MINISTRY OF LABOUR*New Delhi, the 4th February 1955*

S.R.O. 372.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Sourendra Kumar Mukerjee, a workman of the Lodna Colliery Company (1920) Limited.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 76 OF 1954

(arising out of Reference No. 5 of 1955)

In the matter of an application U/s 33A of the Industrial Disputes Act 1947.

PRESENT

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

PARTIES

Sourendra Kumar Mukerjee, c/o Koyla Mazdoor Panchayat, Jharia P.O., Dist. Manbhum—*Complainant*.

Vs.

Lodna Colliery Company (1920) Limited, Jharia P.O., Dist. Manbhum—*Opposite Party*.

APPEARANCES

Shri Lalit Burman, General Secretary, Loyabad Labour Union, and Secretary, Bihar Trade Union Congress, P.O. Dhanbad, Dist. Manbhum—*For the Complainant*.

Shri U. S. Majumdar, Personal Assistant to the General Manager, M/s Lodna Colliery Co. (1920) Ltd., Post Box No. 135, Jharia, Bihar—*For the Opposite Party*.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleged that he had been in the employment of the opposite party since 25th September 1946; that the opposite party refused work orally to him from 22nd February 1954 to 27th April 1954; but allowed him to resume work on 28th April 1954. He then worked from 28th April 1954 to 4th May 1954; but was discharged on 5th May 1954 without any notice or change sheet. This action of the opposite party was in violation of the standing orders and also against the provisions of Section 33 of the Industrial Disputes Act, as it was taken during the pendency of Reference No. 5 of 1954 without the express permission in writing from this Tribunal. Hence this complaint.

3. The opposite party contended that it had not yet discharged the complainant as alleged, and hence the present complaint was premature and was not maintainable. It was then alleged that there was an illegal strike at the colliery from 8th February 1954 to 19th March 1954, and that during this period loyal workers were prevented from attending to their legitimate duties by threats, intimidation and show of violence. It was further alleged that the complainant committed several acts of misconduct as detailed in the written statement. On 1st April 1954, he was charge sheeted for the same. After completing necessary enquiries the opposite party made an application under Section 33 of the Industrial Disputes Act to the All India Industrial Tribunal (Colliery Disputes) for permission to dismiss the complainant. That application is still pending. It was urged therefore that the complainant should be dismissed.

4. It is an admitted fact that the complainant was working as an electrical apprentice at the Lodna Colliery from about 1946. It is also an admitted fact that there was a strike at the Lodna Colliery between 23rd November 1953 to 21st December 1953 and again from 8th February 1954 to 19th March 1954. The complainant's case is that he was refused work from 22nd February 1954 to 27th April 1954 but he was allowed to work from 28th April 1954 to 4th May 1954 when his services were terminated orally. He has filed the present complaint under Section 33A of the Industrial Disputes Act alleging that the opposite party had terminated his services during the pendency of Reference No. 5 of 1954 without obtaining the permission in writing from this Tribunal as required by Section 33 of the Act.

5. A dispute between the management of Lodna Colliery and their workmen was referred for adjudication to this Tribunal by the Government of India, Ministry of Labour, Order No. LR.2(16)/54, dated 20th April 1954 and was numbered as Reference No. 5 of 1954. If the opposite party took any action against any of its employees before 20th April 1954, it could not amount to a breach of Section 33 of the Industrial Disputes Act, so far as the proceedings of Reference No. 5 of 1954 (pending before this Tribunal) were concerned; because, at that time, there was no reference pending before this Tribunal between the management of the Lodna Colliery and their workmen. Mr. Burman, who appeared for the complainant, conceded that he could not ask for any relief in respect of the alleged stoppage of work between 22nd February 1954 to 27th April 1954. He however urged that the subsequent stoppage of work from 5th May 1954 amounted to a breach of Section 33 of the Industrial Disputes Act, as admittedly at that time Reference No. 5 of 1954 was pending before this Tribunal.

6. The opposite party has urged that it has not dismissed the complainant and also that it has made an application to the All India Industrial Tribunal (Colliery

Disputes) under Section 33 for permission to dismiss him and that the said application is still pending before that Tribunal. In view of this contention of the opposite party denying that they have dismissed the complainant, the only question that was urged before me was that the opposite party had no right to withhold the wages of the complainant even during the period of suspension. The standing orders of the colliery prohibits suspension of an employee without pay, whether pending an enquiry or as a punishment, for a period exceeding ten days. It was therefore urged on behalf of the complainant that the opposite party was not justified in withholding the payment of wages to the complainant for a period beyond 15th May 1954. On the other hand, the opposite party urged that it had not suspended the complainant but that the complainant had been absent from duty from February onwards (as he had joined the strike). The opposite party denied that the complainant had been allowed to work from 28th April 1954 to 4th May 1954.

7. The first question for my consideration therefore is whether the complainant had been allowed to work from 28th April 1954 to 4th May 1954 as alleged by him. The complainant has been examined at Exhibit 25. He has stated that he was allowed to work from 28th April 1954 to 4th May 1954 and that he was stopped from work from 5th May 1954. In support of this allegation, he has produced a chit, Exhibit 19, written by Supervisor Nani Gopal Dutt to the attendance clerk on 28th April 1954 asking him to allow the complainant work from that date. Nani Dutt has been examined on behalf of the management at Exhibit 24. He has denied that the complainant worked from 28th April 1954 as alleged. He has admitted the above slip; but he says that after he gave this slip, the complainant was not allowed to work by the Assistant Manager Mr. Mishra and the complainant informed him (Dutta) accordingly and that thereupon he wrote another slip Exhibit 26 to Mr. Mishra. I do not believe Mr. Dutta. It may be noted at this stage that neither Mr. Mishra nor the attendance clerk has been examined by the management to show that the complainant was not allowed to work from 28th April 1954, though the supervisor gave him the slip Exhibit 19 for that purpose.

8. The management's case is that a charge sheet Exhibit 16 was issued to the complainant on 1st April 1954 but he refused to accept it. There is no evidence in support of this contention. The charge sheet Exhibit 16 purports to be attested by two persons to show that it was refused by the complainant but neither of these persons has been examined as a witness. In this connection, I may also mention that in the application under Section 33 made by the management against the present complainant before the All India Industrial Tribunal (Colliery Disputes), no allegation has been made that a charge sheet was issued to the complainant on 1st April 1954 or that it was tendered to him personally or that he refused to accept it. In that application, it was alleged that a charge sheet was issued on 30th June 1954 and that it was sent by registered post to the complainant. I may also point out that Mr. Dutta in his deposition Exhibit 24 has admitted that he did not know on 28th April 1954 about any order of suspension passed against the complainant. If a charge sheet had been issued against the complainant before 28th April 1954, I am sure that the supervisor would have been aware about it and in such a case he would not have issued the slip Exhibit 19 addressed to the attendance clerk allowing the complainant to work. I further think that unless the supervisor had got specific authority from his supervisors, he would not have issued that slip. This slip clearly supports the complainant's case that he was allowed to work from 28th April 1954.

9. I may here also refer to a letter Exhibit 20 written by the complainant to the Agent of the colliery on 7th May 1954. In that letter, he has specifically mentioned that he was allowed to work from 28th April 1954 and that he worked in his former place till he was stopped from work from the morning of 5th May 1954. No reply was sent to this letter by the management. This also would support the complainant's allegation that he had worked at the colliery from 28th April 1954 to 5th May 1954.

10. The management have produced their pay rolls which show that the complainant was absent during this week. I do not attach much importance to these pay rolls because none of the persons who wrote them was examined before me.

11. On the whole, after going through the evidence and circumstances in the case, I am satisfied that the complainant was allowed to resume work on 28th April 1954 and that he was stopped from work from 5th May 1954. This would mean that the stoppage of work started from 5th May 1954 and this was after the order of Reference in Reference No. 5 of 1954 was made. Even if this stoppage of work was because of the alleged suspension of the complainant, the

management could not suspend him without pay for more than ten days. They have already applied for permission to dismiss the complainant by an application under Section 33 made before the All India Industrial Tribunal (Colliery Disputes) and the question whether such permission should be given to him or not will be considered and decided by that Tribunal. Till the complainant is actually dismissed, he must be paid his wages even though he may remain under suspension.

12. It was then argued before me that the present complaint must be dismissed because of the award passed in Reference No. 5 of 1954. The order of Government was for adjudication of certain (specific) disputes relating to reinstatement of certain workmen and payment of wages to them. A compromise was entered into between the management and the workmen as represented by the Koyala Mazdoor Panchayat and the Bihar Colliery Mazdoor Sangh on 18th September 1954. There was a further compromise on 17th November 1954. An award was passed in terms of the two compromises. One of the terms of compromise entered into on 18th September 1954 was that "It was agreed that the company would withdraw the proceedings commenced by it under Section 33 of the Industrial Disputes Act against the employees of the Lodna Group of Collieries". Another clause was that "It was agreed that the proceedings started by the workers against the company under Section 33A of the Industrial Disputes Act would likewise be withdrawn by them forthwith." It was urged that because of this clause, the complainant was bound to withdraw the present complaint, and if he did not do so, the Tribunal should dismiss the complaint because of the above clause of the compromise.

13. The complainant is not a member either of the Koyala Mazdoor Panchayat or the Bihar Colliery Mazdoor Sangh. The management alleged that he was a member of the Koyala Mazdoor Panchayat and examined the Vice-President of the Koyala Mazdoor Panchayat Mr. Sharma at Exhibit 23. In his evidence, Mr. Sharma has stated that the complainant was at no time a member of their union. He further stated that the complainant had given an authority to their union to appear on his behalf in connection with the application made by the management under Section 33 of the Industrial Disputes Act; but excepting this, the complainant had not given any authority to the union to represent him or to appear on his behalf before any other authority or Tribunal. This would mean that the complainant had not given any authority to the Koyala Mazdoor Panchayat to represent him or to appear on his behalf in Reference No. 5 of 1954. Any agreement entered into between the management and the Koyala Mazdoor Panchayat would thus not bind the complainant.

14. The question then is as to what would be the effect of the award passed in the above case. As I mentioned above, the order of reference specified certain specific points for adjudication under Section 10(4) of the Industrial Disputes Act, this Tribunal could adjudicate on those points and on matters incidental thereto. An award passed in the case would bind all workmen—whether they appeared before the Tribunal or not—so far as it decided the specific points that were referred to the Tribunal or matters that were incidental thereto. If during the pendency of a reference, the management committed a breach of Section 33 of the Industrial Disputes Act, it would give a right to the aggrieved workman to approach the Tribunal under Section 33A of the Industrial Disputes Act. That would be a separate proceeding and could not form part of the award in the main reference. Of course, it would be open to a workman or workmen concerned to agree to withdraw such a complaint made by him or by them. The union also could agree to do so on behalf of its members; but it would not bind those workmen who were not members of the union or had not given any authority to the union to represent them in the complaints filed by them. In my opinion, therefore, the clause in the award that the proceedings started by the workmen would be withdrawn by them could not be said to be part of an award as such in that matter; it would be only an agreement between the management and the workmen who were represented by the unions who signed that agreement.

15. In this connection, I may also point out that the management have also not so far carried out the clause agreeing to withdraw all applications made by them under Section 33 of the Industrial Disputes Act, though they were a party to the above agreement and the agreement was certainly binding on them. It does not lie in the mouth of a person who does not carry out his part of an agreement to insist on another party's carrying out that party's part of the agreement. On this ground also, the management cannot ask that the present complaint should be dismissed because of the above agreements.

16. In the result, it is ordered that the complainant should be paid his wages and dearness allowance and other emoluments from 15th May 1954 till he is properly dismissed and that he should be continued to be paid these amounts during the period of his alleged suspension. The arrears due to him up-to-date should be paid to him within three weeks of the award becoming enforceable and the future amounts should be paid to him as and when they fall due.

I pass my award accordingly.

The 25th January 1955.

(Sd.) L. P. DAVE, *Chairman,*
Central Government's Industrial Tribunal, Dhanbad.

[No. IR-2(16)/54.]

A. NARAYANAN, Under Secy.

New Delhi, the 4th February 1955

S.R.O. 373.—In pursuance of sub-section (1) of section 16 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government is pleased to appoint Shri P. D. Seth as the Chief Accounts Officer in the Employees' State Insurance Corporation with effect from the forenoon of the 1st February, 1955 for a period of one year in the first instance.

[No. SS.134(41).]

New Delhi, the 7th February 1955

S.R.O. 374.—The Government of the State of Punjab having nominated, in exercise of the powers conferred by clause (d) of section 4, read with sub-section (2) of section 5, of the Employees' State Insurance Act, 1948 (XXXIV of 1948), Shri Mangat Rai, I.A.S., Secretary, Transport Co-operative, Industries and Labour Departments, Chandigarh, as a member representing the State of Punjab in the Employees' State Insurance Corporation in the place of Shri R. P. Kapur, I.C.S., the following amendment is made in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 2155, dated the 16th November, 1953, namely:—

In the said notification, for item 12 (which relates to Shri R. P. Kapur, I.C.S.), the following item shall be substituted, namely:—

"12. Shri Mangat Rai, I.A.S., Secretary, Transport, Co-operative, Industries and Labour Departments, Chandigarh."

[No. SS.121(98).]

K. N. NAMBIAR, Under Secy.

CORRIGENDUM

New Delhi, the 7th February 1955

S.R.O. 375.—In the notification of the Government of India in the Ministry of Labour No. S.R.O. 3304, dated the 20th October 1954 published at pages 2557-2558 of the *Gazette of India* Part II Section 3, dated the 30th October 1954, at page 2558 for "(5)" before the words "No Child" read "(4A)".

[No. LWI-24(153)53.]

New Delhi, the 9th February 1955

S.R.O. 376.—In exercise of the powers conferred by sections 7 and 9 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby nominates Shri T. K. Parameswaran Nambiar, Secretary, Madras Port Trust, to be a member of the Advisory Board appointed in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 2088, dated the 21st June, 1954, *vice* Shri T. S. Parasuraman, and directs that the following amendment shall be made in the said notification, namely:—

Under the heading "(2) Representatives of Employers", for the entry "1. Shri T. S. Parasuraman, Deputy Secretary to the Government of India, Ministry of Transport, New Delhi", the following entry shall be substituted, namely:—

"1. Shri T. K. Parameswaran Nambiar, Secretary, Madras Port Trust."

[No. LWI-2(26)/54-(ii).]

New Delhi, the 10th February 1955

S.R.O. 377.—In exercise of the powers conferred by sections 7 and 9 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby nominates Shri P. D'Mello, General Secretary, Transport and Dock Workers' Union, Nagindas Chambers, Frere Road, Bombay—1, to be a member of the Advisory Board appointed in the notification of the Government of India in the Ministry of Labour, No. S.R.O. 2088, dated the 21st June, 1954, in the vacancy caused by the resignation of Shri Dinkar Desai and directs that the following amendment shall be made in the said notification, namely:—

Under the heading "(3) Representatives of Employers", for the entry "4. Shri Dinkar Desai, Servants of India Society, Sardar Vallabhbhai Road, Girgaum, Bombay—4", the following entry shall be substituted, namely:—

"4. Shri P. D'Mello, General Secretary, Transport and Dock Workers' Union, Nagindas Chambers, Frere Road, Bombay—1."

[No. LWI-2(26)/54-(i).]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 8th February 1955

S.R.O. 378.—In pursuance of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints Shri Hrishikesh Banerjee, Assistant Secretary, West Bengal Committee of the All India Trade Union Congress, 249, Bowbazar Street, Calcutta-12, to be a member of the Regional Committee for the State of West Bengal in the vacancy caused by the resignation of Shri Indrajit Gupta and directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 1278 dated the 20th June, 1953, namely:—

"(9) Shri Hrishikesh Banerjee, Assistant Secretary, West Bengal Committee of the All India Trade Union Congress, 249, Bowbazar Street, Calcutta-12."

[PF. 516(10)WB.]

TEJA SINGH SAHNI, Under Secy.

